

Appl. No.: 10/613,800
Amdt. Dated: June 9, 2005
Off. Act. Dated: January 11, 2005

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Rejection of Claims 1, and 3-8 for Non Statutory Double Patenting.**

A terminal disclaimer is attached with fee, for disclaiming the duration of the patent term which extends beyond that of the parent application 09/718,735 which has since issued into patent 6,589,891.

These claims and the new claims added to the case should now be allowable.

2. **Amendment of Claims 1-2 and 4.**

Claim 1. Independent Claim 1 was amended to eliminate the unnecessary (a)(b) claim line numbering as per our practice. The term "round" was replaced with "rounded" as per use in previous claims - as the beads need not have a round cross section but only rounded portions.

Claim 2. Dependent Claim 2 was amended to replace the term "attachment" with "interconnection of said beads" to correct an antecedent problem related to dependence on Claim 1.

Claim 4. Independent Claim 4 was amended to remove the phrase "*as a material from which abrasion resistant clothing may be fabricated*", which is already substantially stated in the preamble of this claim.

None of the amendments have been made for the purpose of overcoming any ground for rejection or addressing any cited reference. Nor do any of the amendments made narrow the scope of the claims.

3. **Addition of Claims 9-20.**

Only one independent claim was added, and it is similar to Claim 1, yet includes additional limitations from the dependent claims. Therefore, applicant respectfully

requests that these claims be accepted, in that they do not necessitate additional searchings by the Examiner.

Claim 9. A dependent claim which describes with greater particularity an embodiment of the interconnection between bead and matrix, as seen in many of the FIGs.

Claim 10. A dependent claim which describes the elasticity of the cord matrix and the intent thereof. Support for which is found in the specification, such as at published app paragraph [0055] or original CIP application page 15, lines 8-13.

Claim 11. A dependent claim which describes an aspect of the cords according to one embodiment, being "*configured with a tensile strength in the range of from approximately 25 - 250 pounds*".

This aspect is describes (published app) at paragraph [0057] "*The preferred range of tensile strengths for the cords is in the range of from 25-250 lbs.*" (page 15, line 23 through page 16, line 5).

Claim 12. A dependent claim which describes said plurality of beads which may be of differing sizes as described in the specification (published app) at paragraph [0053] "*Bead size and spacing depend largely on the location on the garment (i.e. exterior thigh bead size is preferably larger than interior thigh bead size) and the duty required...*" (in original CIP app at page 14, lines 17-20).

Claim 13. A dependent claim which describes beads within said plurality of beads which comprise injection molded plastic are attached to said matrix of cords in a molding process. This is found in the specification, for example as shown in FIG. 9 and specification such as the latter portion of paragraph [0063] (page 20, lines 11-21).

Claim 14. A dependent claim which describes that the plurality of beads comprises: "*a first material on the exterior portions of said beads; and a second material configured for receiving a cord within said matrix of cords*". The application addressed multiple materials in numerous locations, such as with regard to filling the bead in FIG. 16 or the cord interface elements in FIG. 20, also with regard to original Claim 8 in this

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application.

Claim 15. A dependent claim which describes that the second material of Claim 14 is a sufficiently compliant material for distributing the forces between said cord and the first material of said bead.

Support for this aspect is found in the specification including (in published app) paragraph [0071 - 0072] (original CIP application page 23, lines 17 through page 24, line 5).

Claim 16. A dependent claim which describes *"the ratio of bead diameter to spacing between adjacent beads is in the range of approximately 1:1.5 to 1:8"*.

Support for this aspect of the invention is found in the published specification at paragraph [0015] (original submitted CIP app at page 6, lines 1-7).

Claim 17. A dependent claim which describes a more preferred bead diameter to matrix spacing ratio as *"the ratio of bead diameter to spacing between adjacent beads is in the range of approximately 1:2 to 1:4"*. This text is also found in the specification section listed above.

Claim 18. A dependent claim which describes that *"said material is adapted for inclusion within abrasion protection garments"*, which is pretty self explanatory and found throughout the specification.

Claim 19. A dependent claim which describes *"said interconnecting matrix is attached to a cloth layer"*. Support for this is found with regard to FIG. 13 and in the specification, including (published app) paragraph [0044], [0066] (original CIP application on page 13, lines 10-13; page 21, lines 10-15).

Claim 20. A third independent claim was added to the case which is similar but narrower than Claim 1, it will be appreciated that it adds elements from dependent claims above. In addition it mentions that the beads can be *"formed from one or more abrasion resistant materials in a solid, hollow, or filled configuration"*; an aspect which is readily seen from the figures as well as mentioned in the specification.

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4. No Additional Claim Fees Necessary.

The application as originally filed included the payment for twenty (20) total claims and up to three (3) independent claims. The application now contains 20 total claims including 3 independent claims.

5. Extension of Time Petition.

The Applicant has enclosed a petition for a two-month extension of time to respond to the Office Action and has enclosed the appropriate petition fee.

6. Terminal Disclaimer.

A mentioned above a terminal disclaimer and associated fee are attached. The terminal disclaimer disclaims the portion of the patent term which extends beyond that of the parent application 09/718,735, which has since been issued as patent 6,589,891.

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7. Conclusion.

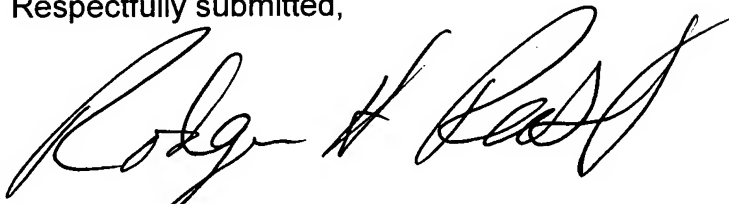
The amendment modifies existing claims and adds a number of claims within the present application.

In view of the terminal disclaimer submitted herein each of these presently pending claims in this application are believed to be in immediate condition for allowance.

Please contact the inventor/patent agent if any issues need clarification before NOA within the present application.

Date: June 9, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodger H. Rast", written in a cursive style.

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